

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

In re: Teflon Products Liability Litigation	MDL No. 1733
This Document Relates to All Actions	4:06-md-01733-REL-CFB

PLAINTIFFS' AMENDMENT TO CLASS CERTIFICATION MOTION

COME NOW the Plaintiffs and files the following amendment to its Motion for Class Certification in conformance with the issues and evidence presented to the Court during the class certification hearing. In support of said amendment, Plaintiffs state:

1. During the class certification hearing, Plaintiffs raised with the Court the fact that the original Motion for Class Certification inadvertently did not include New Mexico as a state that qualifies for certification under Federal Rule Civil Procedure 23(b)(2).
2. The New Mexico Complaint includes a claim under the New Mexico Unfair Practices Act, NMSA §57-12-1. The New Mexico statute provides:

Proof of monetary damage, loss of profits or intent to deceive or take unfair advantage of any person is not required.

* * *

Any person who suffers any loss of money or property, real or personal, as a result of any employment by another person or a method, act or practice declared unlawful by the Unfair Trade Practices Act may bring an action to recover actual damages or the sum of \$100 whichever is greater.

NMSA §57-12-10 (A), (B). The statute also provides for an award of treble damages, attorney fees and a class action. *Id.* at (B), (C) and (E).

3. Accordingly, in conformance with the arguments and evidence presented to the Court

during the class certification hearing, Plaintiffs formally amend their Motion for Class Certification to clarify that New Mexico should also be analyzed under the Rule 23(b)(2) standards.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Plaintiffs' Amendment To Class Certification Motion* has been sent via electronic mail on this 4th day of November, 2008, to:

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